

Exhibit B

U.S Department of Homeland Security
Washington, DC 20536



**U.S. Immigration
and Customs
Enforcement**

March 31, 2011

EMILY CREIGHTON
AMERICAN IMMIGRATION COUNCIL
1331 G.STREET, N.W.
WASHINGTON, DC 20005

Re: 2011FOIA7112

Dear Ms. Creighton :

This acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated March 14, 2011, and to your request for a waiver of all assessable FOIA fees. Your request was received in this office on March 31, 2011. Specifically, you requested records which relate or refer in any way to any of the following:

Attorney's ability to be present during their clients' interactions with ICE;
What role attorneys may play during their clients' interactions with ICE;
Attorney conduct during interactions with ICE on behalf of their clients;
Attorney appearances at ICE offices or other facilities.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, the Department processes FOIA requests according to their order of receipt. Although DHS' goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, DHS will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner; however, there are currently 1196 open requests ahead of yours.

As it relates to your fee waiver request, your request will be held in abeyance pending the quantification of responsive records. The DHS FOIA Regulations, 6 CFR § 5.11(k)(2), set forth six factors to examine in determining whether the applicable legal standard for a fee waiver has been met: (1) Whether the subject of the requested records concerns "the operations or activities of the government;" (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities; (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons; (4) Whether the contribution to

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public understanding of government operations or activities will be "significant;" (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor. If any responsive records are located, we will consider these factors in our evaluation of your request for a fee waiver.

In the event that your fee waiver is denied, we shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to non-commercial requestors. As a non-commercial requestor you will be charged 10-cents a page for duplication, although the first 100 pages are free, as are the first two hours of search time, after which you will pay the per quarter-hour rate of the searcher. You will be promptly notified once a determination is made regarding your fee waiver request.

Per section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, the Department processes FOIA requests according to their order of receipt. We will make every effort to comply with your request in a timely manner; however, there are currently 1196 open requests ahead of yours. Nevertheless, please be assured that one of the processors in our office will respond to your request as expeditiously as possible.

Your request has been assigned reference number **2011FOIA7112**. Please refer to this identifier in any future correspondence. You may contact this office at (202) 732-0300 or (866) 633-1182.

Sincerely,

A handwritten signature in black ink, appearing to read "R. M. Pavlik-Keenan", with a stylized flourish at the end.

Catrina M. Pavlik-Keenan
FOIA Officer

A small, stylized handwritten mark or signature in black ink, possibly a monogram or initials.

U.S. Department of Homeland Security
Washington, DC 20536



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1331 G. STREET, N.W.
WASHINGTON, DC 20005

Re: 2011FOIA7112

Dear Mr. Creighton:

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Attorney's ability to be present during their clients' interactions with ICE;
What role attorneys may play during their clients' interactions with ICE;
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Your request was received in this office on March 31, 2011.

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Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to non-commercial requesters. As a non-commercial requester you will be charged 10-cents a page for duplication, although the first 100 pages are free, as are the first two hours of search time, after which you will pay the quarter-hour rate (\$4.00, \$7.00, \$10.25) of the searcher. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

We have queried the appropriate program offices within ICE for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **2011FOIA7112**. Please refer to this identifier in any future correspondence. You may contact this office at (202) 732-0300 or (866) 633-1182.

Sincerely,

A handwritten signature in black ink, appearing to read "R. You..." with a large, stylized flourish at the end.

Catrina M. Pavlik-Keenan
FOIA Officer